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IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

CHERYL PHIPPS, BOBBI MILLNER,)
AND SHAWN GIBBONS, on behalf of)
themselves and all others similarly situated,)
Plaintiffs,)
v.) Civil No. 3:12-01009
WAL-MART STORES, INC.,) Judge Trauger
Defendant.)))

WAL-MART STORES, INC.'S MOTION FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS

Defendant Wal-Mart Stores, Inc. respectfully requests, pursuant to Federal Rule of Evidence 201, that this Court take judicial notice of certain documents attached as Exhibits 1 – 6 to the Declaration of Catherine Conway (the "Conway Declaration") filed concurrently herewith in support of Wal-Mart's Motion to Dismiss. This motion is based on the points and authorities in Wal-Mart's brief in support of this motion filed herewith, the Conway Declaration, the pleadings, records, and papers on file in this action, and such other evidence and oral argument as may be presented at any hearing on this Motion.

Dated: October 25, 2012 Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: /s/Theodore J. Boutrous, Jr.

Theodore J. Boutrous, Jr. Catherine Conway GIBSON, DUNN & CRUTCHER LLP